

USSN: 10/809,259
Atty. Docket No.: 10236A
Amendment dated June 12, 2006
Reply to Office Action of March 10, 2006

REMARKS/ARGUMENTS

Claims 14-32 are all the claims pending in the application.

No new matter has been added to the claims.

I. RESPONSE TO REJECTION UNDER 35 U.S.C. § 103

Referring to Section No. 1 at pages 2-5 of the Office Action, Claims 14-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,074,762 ("Cretekos '762") in view of U.S. Patent No. 4,632,869 ("Park").

Applicants respectfully traverse.

Each of pending Claims 14-32 is entitled to the effective U.S. filing date of November 16, 2000, *i.e.*, each of Claims 14-32 is entitled to the filing date of the parent application (U.S. Serial No. 09/714,332).

In addition, Applicants are re-submitting herewith the Rule 131 Declaration submitted June 10, 2003, in the '332 parent application. The Declaration shows that Applicants are entitled to an invention date prior to the issue date of Cretekos '762. Accordingly, the Declaration removes Cretekos '762 as a prior art reference under §102(a).

With respect to Cretekos '762 as a reference for obviousness derived from §102(e), Applicants state the following:

Application 10/809,259 and Patent 6,074,762 were, at the time the invention of Application 10/809,259 was made, owned by ExxonMobil Chemical Company.

In view of the foregoing, withdrawal of the present §103 rejection is requested.

II. RESPONSE TO DOUBLE PATENTING REJECTIONS

Referring to Section No. 2 at pages 6-8 of the Office Action, Claims 14-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 and 8-9 of U.S. Patent No. 6,472,077 (“Cretekos ‘077”) in view of Park and U.S. Patent No. 5,851,640 (“Schuhmann”).

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Referring to Section No. 3 at pages 8-10 of the Office Action, Claims 14-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6, 8, and 11 of Cretekos '762 in view of Park and Schuhmann.

Applicants respectfully traverse each of the double patenting rejections.

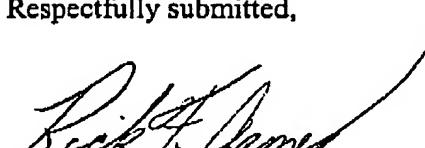
Applicants are submitting herewith a terminal disclaimer for each of Cretekos '077 and Cretekos '762. The filing of the terminal disclaimer to obviate the rejections based on obviousness-type double patenting is not an admission of the propriety of the rejections, and raises neither a presumption nor estoppel on the merits of the rejections. MPEP §804.02.

Withdrawal of the present double patenting rejections is requested.

III. CONCLUSION

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the examiner feels may be best resolved through a personal or telephone interview, she is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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